

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

MAY 13 2006

Case No. 5540
Date Filed 5/12/06
Hearing Date _____
Receipt _____
Fee 450.00

Shaded Areas for Office Use Only

Type of Application

- ☐ Administrative Decision/Interpretation
☐ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☐ Minor Area Variance
☐ Area Variance
☐ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code

CASE 5540 MAP 69 TYPE Variance
ELECTION DISTRICT 01 LOCATION 831 Woodmont Court, Joppa 21085
BY James and Terri Robertson
Appealed because a variance pursuant to Sec. 267-36(B) Table VI of the Harford
County Code to permit a deck to encroach the 25' front yard setback (17' setback
proposed) and a variance pursuant to Sec. 267-24B (1) of the Harford County Code
to permit a fence to exceed four feet in height (6' proposed) within the front yard setback
in the R3 District, requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name JAMES M. ROBERTSON Phone Number 410-671-4388
Address 831 WOODMONT CT. JOPPA M.D. 21085
Street Number Street City State Zip Code

Co-Applicant TERRI L. ROBERTSON Phone Number 410-671-4388
Address 831 WOODMONT CT. JOPPA M.D. 21085
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 831 WOODMONT CT, JOPPA, MARYLAND 21085

Subdivision MAGNOLIA FARMS 1089 Lot Number 45

Acreage/Lot Size .173 Election District 1ST Zoning R-3

Tax Map No. 69 Grid No. 1C Parcel 138 Water/Sewer: Private ☐ Public ☒

List ALL structures on property and current use: SINGLE FAMILY HOME, FENCE → PRIVACY

Estimated time required to present case: 30 MIN.

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? YES

Is this property located within the County's Chesapeake Bay Critical Area? Yes ☐ No ☒

If so, what is the Critical Area Land Use designations: N/A

Is this request the result of a zoning enforcement investigation? Yes ☐ No ☒

Is this request within one (1) mile of any incorporated town limits? Yes ☒ No ☐

Request

- ① TO BUILD A 12' X 14' RAISED DECK THAT ENCLOSEMENT BY 7-8'
- ② TO PERMIT A 6' PRIVACY FENCE THAT RUNS ALONG PROPERTY LINE AT BACK SIDE OF HOUSE. THIS FENCE IS ONLY ALLOWED TO BE 4FT' HIGH DUE TO MY BACK YARD BEING CONSIDERED A FRONT YARD.

Justification

- ① A 2ND FLOOR SLIDING GLASS DOOR ALREADY EXISTS ON BACK SIDE OF HOUSE. PROPERTY SHAPE ALLOWS MINIMUM PRACTICAL USAGE - SHOULD HAVE ALLOWED AT LEAST 10FT OF USABLE SPACE ALONG BACK OF HOUSE FOR FUTURE DECK. ALLOW FOR FIRE ESCAPE, SLIDING GLASS DOOR 9FT ABOVE GRADE WITHOUT A GUARDED PLATFORM IS A FALL HAZARD. THE 25FT SETBACK IS MEASURED FROM PROPERTY LINE INSIDE OF THE ROAD - NOT SURE IF THIS IS ACCURATE / PROPER?

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

- ② A WHITE 6FT PVC PRIVACY FENCE WAS INSTALLED BY PREVIOUS OWNER. I FOUND OUT DURING MY PRE-APPLICATION MEETING THAT THIS FENCE WAS NOT PERMITTED. I WOULD NEED THIS TO BE CONSIDERED A VARIANCE DUE TO PREVIOUS OWNERS CORRUPT PRACTICES.

May 11, 2006
Jim Robertson
831 Woodmont Ct.
Joppa, MD 21085

I am presently applying for (2) permits.

1) One is for a 12' by 24' raised deck along the backside of my house. This deck will encroach the rear easement. Due to the abnormal shape and location of my lot I am requesting a variance from the existing code. The deck as built will enter the easement by approximately 7 feet.

2) The second permit will be for the already existing white 6 foot privacy fence that runs along the backside property lines. This fence was never permitted by the previous owners. I am also requesting a variance from code since this fence is only allowed to be 4 feet in height.

Your signature below will signify that you do not have any objections to the above stated permit requests. Thank you!

829 Woodmont Ct. Jennifer A. Brown

833 Woodmont Ct. Regina Hamilton

325 Fort Hoyle Rd. Frank L. Carter

MAGNOLIA FARMS

HOMEOWNERS ASSOCIATION

1/30/06

n & Terri Robertson

is in response to your request for approval from the Architectural Review Board for
ctural project(s) listed below.

Request: 16'x24' Raised deck on back of home, treated lumber to PVC

Response: Approved DAW

all goes well with your project. If there is anything else we can help you with, just give

Williams

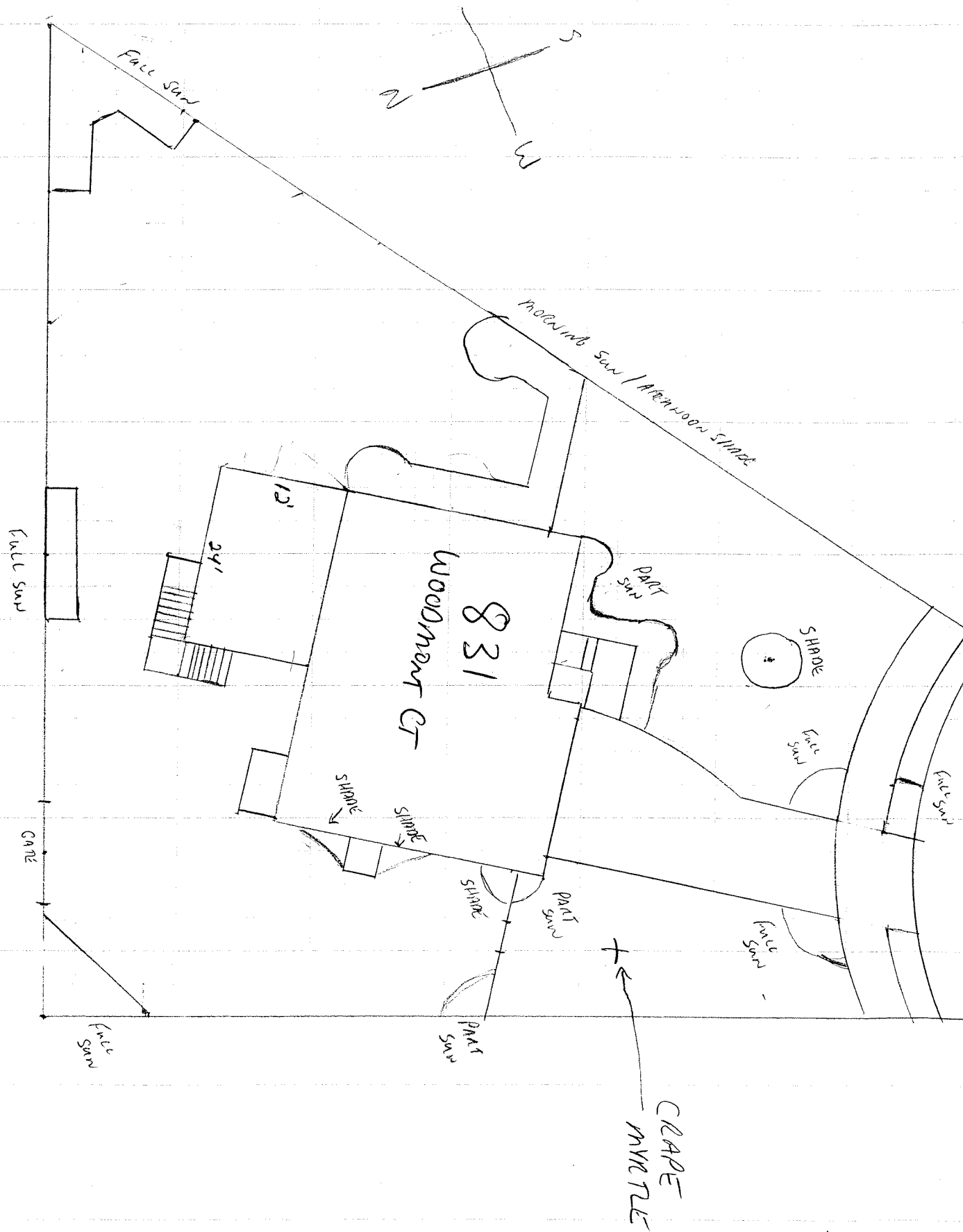
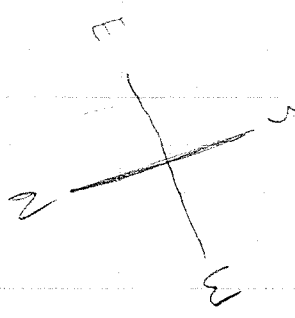
illiams, President

Farms HOA

air of the MFHOA Architectural Review Board

DA Files

It was a pleasure to meet you also Jim. My name is at the
tion of the letter. Perhaps, I won't be caught in my cleanup
de next time. Best wishes with your project. Donna



3' 8" pen sa.

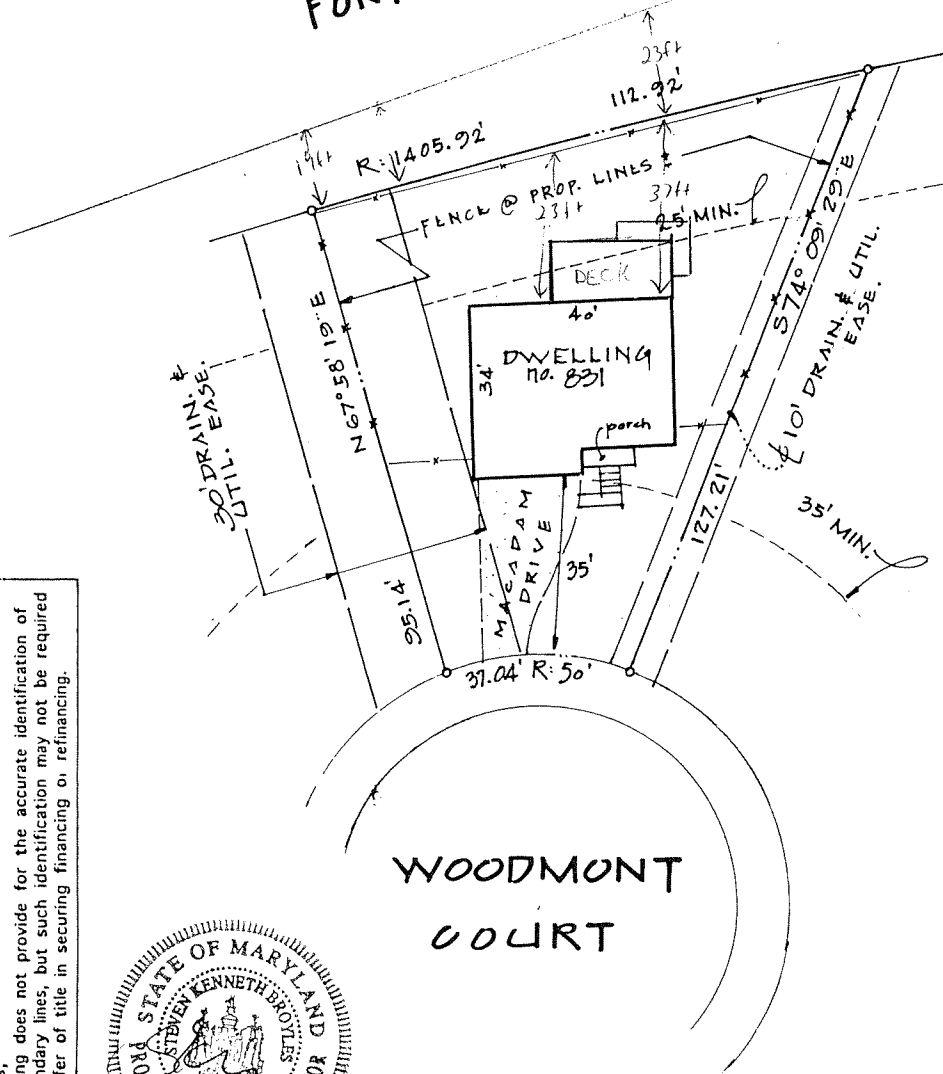


I HEREBY CERTIFY THAT THE INFORMATION SHOWN ON THIS PLAT SHOWS ONLY THAT THE IMPROVEMENTS INDICATED HEREON ARE CONTAINED WITHIN THE OUTLINES OF THE LOT UPON WHICH THEY ARE ERECTED UNLESS OTHERWISE NOTED AND IS NOT TO BE USED TO ESTABLISH PROPERTY LINES, SETBACKS OR PROPERTY CORNERS. ONLY EASEMENTS, RIGHTS OF WAYS, AND RESTRICTIONS DESCRIBED IN SUBJECT DEED ARE SHOWN. THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY.

Steven K. Broyles

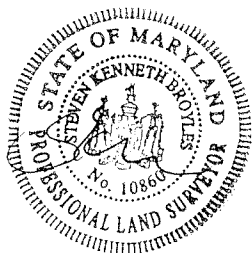
STEVEN K. BROYLES
MARYLAND PROFESSIONAL LAND SURVEYOR REGISTRATION NO. 10860

FORT HOYLE RD.



Flood Zone shown is as identified on F.I.R.M.
Community Panel No.: 24025 02027
Effective Date: 1-7-00
Map interpretation though believed accurate is not guaranteed.

NOTE:
1) This drawing is of benefit to a consumer only insofar as it is required by a Lender or a Title Insurance company or its agent in connection with a contemplated transfer, financing or re-financing;
2) This drawing is NOT to be relied upon for the establishment or location of fences, garages, buildings or other existing or future improvements;
3) This drawing does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title in securing financing or refinancing.



LIBER 3204 FOLIO 570
BEING KNOWN AS LOT 45 BLOCK ~
AS SHOWN ON A PLAT ENTITLED : FINAL PLAT
PLAT 2
MAGNOLIA FARMS
RECORDED IN THE LAND RECORDS OF
HARFORD COUNTY, MARYLAND IN
PLAT BOOK 86 FOLIO 41

Location Drawing for:
831 WOODMONT COURT
HARFORD COUNTY, MARYLAND

FLOOD ZONE: 'X' (min.)

SCALE: 1" = 30'
DATE 6-29-05

FILE NO.: 09-003050 DAS
JOB NO.: UN-05-173-865

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

June 23, 2006

STAFF REPORT

BOARD OF APPEALS CASE NO. 5540

APPLICANT/OWNER: James M. Robertson
831 Woodmont Court, Joppa, Maryland 21084

Co-APPLICANT: Terri L. Robertson
831 Woodmont Court, Joppa, Maryland 21084

REPRESENTATIVE: Applicant

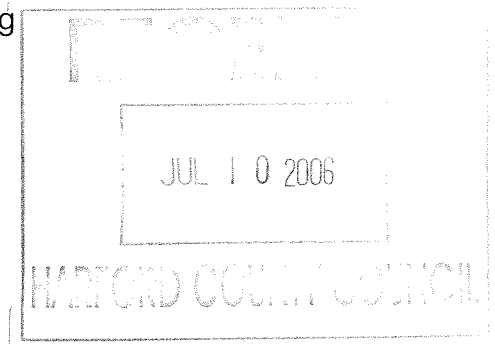
LOCATION: 831 Woodmont Court/Magnolia Farms
Tax Map: 69 / Grid: 1C / Parcel: 138 / Lot: 45
Election District: First (1)

ACREAGE: 0.173 of an acre

ZONING: R3/Urban Residential District

DATE FILED: May 12, 2006

HEARING DATE: July 19, 2006



APPLICANT'S REQUEST and JUSTIFICATION:

Request:

- "1. To build a 12 foot x 24 foot raised deck that encroaches into easement by 7-8 feet.
2. To permit a 6 foot privacy fence that runs along property line at back side of house. This fence is only allowed to be 4 foot high due to my back yard being considered a front yard."

Preserving Harford's past; promoting Harford's future

STAFF REPORT

Board of Appeals Case Number 5540

James & Terri Robertson

Page 2 of 5

Justification:

- “1. A second (2nd) floor sliding glass door already exists on back side of house. Property shape allows minimum practical usage – should have allowed at least 10 ft of usable space along back of house for future deck. Allow for fire escape. Sliding glass door 9 ft above grade without a guarded platform is a fall hazard. The 25 foot setback is measured from property line instead of the road – not sure if this is accurate/proper?
2. A white 6 foot PVC privacy fence was installed by previous owner. I found out during my pre-application meeting that this fence was not permitted. I would need this to be considered a variance. Due to previous owners corrupt practices.”

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-36B(B), Table VI of the Harford County Code to permit a deck to encroach the 25 foot front yard setback (17 foot setback proposed) and a variance pursuant to Section 267-24B(1) of the Harford County Code to permit a fence to exceed four feet in height (6 feet proposed) within the front yard setback in the R3/Urban Residential District.

Enclosed with the report is a copy of Section 267-36B, Table VI of the Harford County Code (Attachment 1).

Section 267-24B(1) of the Harford County Code reads:

- (1) Front yards. For single-family detached units, walls and fences shall not exceed four feet in height above ground elevation. Where fences and walls are an integral part of the unit design and are applied in a consistent and coordinated pattern throughout the project, fences and walls may be constructed to a maximum of six feet above ground elevation. For continuing care retirement communities, consistent and coordinated fencing or walls may be constructed to a maximum of eight feet above ground elevation provided strategically located gates are provide for emergency access*

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicant's property is located south of Trimble Road in the development of Magnolia Farms. The lot is situated on the east side of Woodmont Court and has frontage on the west side of Fort Hoyle Road. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 2 and 3).

The subject property is located within the Development Envelope. The predominant land use designations are Low, Medium and High Intensity. There are also areas of

STAFF REPORT

Board of Appeals Case Number 5540

James & Terri Robertson

Page 3 of 5

Industrial/Employment. The Natural Features Map reflects Chesapeake Bay Critical Area, Habitats of Local Significance and Stream Systems. The subject property is designated as Medium Intensity which is defined as:

Medium Intensity - Areas within the Development Envelope where residential development is the primary land use. Density ranges from 3.5 to 7.0 dwelling units per acre. Grocery stores, variety stores and other commercial uses are examples of some of the more intensive uses associated with this designation.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 4 and 5).

Land Use – Existing:

The existing land uses in the area conform to the overall intent of the 2004 Master Plan. Residential uses include single family dwellings, townhouses, apartments and condominiums. Commercial uses include individual retail, shopping centers automotive sales and service, personal and professional services. Other uses include schools, churches, and recreational facilities. Topography for the area ranges from level to rolling. A topography map and a copy of the aerial photograph are enclosed with the report (Attachments 6 and 7).

The Applicant's property is a double frontage lot with frontage on Woodmont Court and Fort Hoyle Road. The lot is located at the end of the cul de sac and is pie shaped. The lot is encumbered by an increased front yard setback from Woodmont Court; a front yard setback from Fort Hoyle Road; a 15 foot drainage and utility easement from the left side property line and a 5 foot drainage and utility easement along the right property line. Improvements consist of a single family dwelling with a 2-car attached garage and a double wide concrete driveway. There is a 6-foot vinyl fence around the yard. From the rear of the dwelling there are two access points, one from the lower level and sliding glass doors from the second level. The fence is separated from the road by a grass area containing the sidewalk. There is approximately 18 to 20 feet of separation between the road and the fence. Enclosed with the report are site photographs along with an enlargement of the aerial photograph (Attachments 8 and 9). Across Fort Hoyle Road from the subject property is a dwelling and two school sites.

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The predominant residential zoning classifications in the area are R2 and R3/Urban Residential Districts. Commercial and Industrial zoning includes CI/Commercial/Industrial and GI/General Industrial zoning. The subject property is zoned R3/Urban Residential as shown on the enclosed zoning map (Attachment 10).

SUMMARY:

STAFF REPORT

Board of Appeals Case Number 5540

James & Terri Robertson

Page 4 of 5

The Applicants are requesting a variance pursuant to Section 267-36B(B), Table VI of the Harford County Code to permit a deck to encroach the 25 foot front yard setback (17 foot setback proposed) and a variance pursuant to Section 267-24B(1) of the Harford County Code to permit a fence to exceed four feet in height (6 feet proposed) within the front yard setback in the R3/Urban Residential District.

Enclosed with the report is a copy of Section 267-36B, Table VI of the Harford County Code (Attachment 1).

Section 267-24B(1) of the Harford County Code reads:

- (1) Front yards. For single-family detached units, walls and fences shall not exceed four feet in height above ground elevation. Where fences and walls are an integral part of the unit design and are applied in a consistent and coordinated pattern throughout the project, fences and walls may be constructed to a maximum of six feet above ground elevation. For continuing care retirement communities, consistent and coordinated fencing or walls may be constructed to a maximum of eight feet above ground elevation provided strategically located gates are provide for emergency access*

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department finds that the subject property is unique. The lot has an unusual shape due to its location on the cul de sac. The buildable area of the property is severely reduced due to the requirement of two front yard setbacks. Also, there is a wider than usual easement located along the northern side property line (Attachment 11). The requested size of the deck is consistent for this community.

Fort Hoyle Road carries a substantial amount of school bus traffic due to the location of the two schools (Magnolia Elementary School and Magnolia Middle School). The fence will provide some privacy from the traffic along the road and the activities at the schools. There have been similar variances granted in this neighborhood.

The Applicants have submitted a document signed by three of their immediate neighbors. The document states that they are aware of the request and do not object to the variances (Attachment 12).

The Applicants have submitted a letter from the Home Owners Association extending their approval for the deck (Attachment 13).

STAFF REPORT

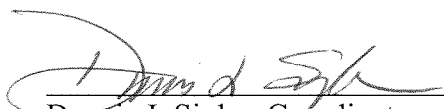
Board of Appeals Case Number 5540

James & Terri Robertson

Page 5 of 5


RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the variances be approved subject to the Applicants obtaining all necessary permits and inspections for the deck and fence.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review

DJS/ASM/jf



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning